

April 27, 1999

MAINE PUBLIC UTILITIES COMMISSION
Investigation Into Bell Atlantic-Maine's
Network Congestion Relief Practices

ORDER

I. INTRODUCTION

In this order we direct the Staff to prepare an examiner's report that proposes specific steps designed to ensure that no Bell Atlantic customer in Maine will be unable to obtain a dial tone and complete an emergency telephone call because of avoidable congestion in the Company's network.

II. BACKGROUND

More than two years ago Bell Atlantic provided the Commission with data, primarily from switches in Manhattan, showing in graphic form the impact of the Internet -- unprecedented increases in access line growth, call holding times, dial tone delay, and blocked calls. Now, two years later, far too many Bell Atlantic customers in Maine are experiencing the symptoms of network congestion: no dial tone, slow dial tone, blocked calls, inability to complete calls, fast busy signals, and ringing with no one on the line. Customer complaints related to these problems led to this investigation. We have found that Bell Atlantic has allowed at least three switches that serve parts of Maine to become congested, and that the Company's congestion relief practices either have failed to eliminate the congestion or have taken too long. Given the Company's presentation to the Commission two years ago -- which reflected its awareness and understanding of the growing impact of the Internet on its network -- we believe that Internet-based congestion should not have occurred in its Maine network.

III. DISCUSSION

Our investigation to date suggests that Bell Atlantic's approach to dealing with existing and potential network congestion problems in Maine suffers from the following three deficiencies:

(1) Ineffective internal communications about network congestion problems among Bell Atlantic's network monitoring operations, its repair service centers, and its marketing operations; effective communications would lead to better customer service and would help minimize congestion and its adverse impact on customers;

(2) Bell Atlantic's short-term approach to dealing with call-handling capacity shortages that cause congestion; specifically, switch management and marketing

practices that have allowed switches to become congested, creating potential hazards for persons who must to make emergency calls; those practices have not responded to congestion and to the serious problems it causes with the sense of urgency that such problems merit; and the Company's response has resulted in congestion relief efforts that either take too long to plan and execute or that fail to eliminate the congestion; and

(3) The lack of a comprehensive long-term approach for predicting, addressing, and ultimately preventing long-term capacity shortages that cause network congestion, an approach that deals with both terminating *and* originating call demand.

Given the serious safety consequences that can result from network congestion, we believe this matter requires prompt attention. Thus, without intending to deprive Bell Atlantic of the opportunity to dispute the deficiencies described above, we direct our Advisory Staff to prepare an examiner's report to address these problems. In responding to that report, Bell Atlantic will also be able to comment on any assertions set forth in this Order.

The Advisors should propose thresholds for the symptoms of switch congestion that are of greatest concern to customers: no dial tone, slow dial tone, lost calls, blocked calls, fast busy signals, the inability to receive calls, and ringing with no one on the line. The thresholds should be designed to trigger immediate congestion relief.

Accordingly, we order our Advisory Staff to prepare an examiner's report that proposes specific steps designed to address the problems we cite above. Bell Atlantic and the Public Advocate will then be afforded an opportunity to respond to the proposed findings and recommendations contained in that report.

Dated at Augusta, Maine, this 27th day of April, 1999.

BY ORDER OF THE COMMISSION

Raymond Robichaud
Assistance Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

COMMISSIONER ABSENT: Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.